

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID M. MARK,

Defendant.

2:11-CR-00453-PMP-CWH

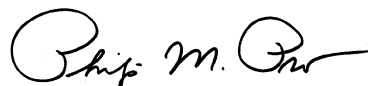
ORDER

Before the Court for consideration is Defendant David Mark's fully briefed Motion to Reconsider Denial of Motion to Dismiss Indictment Based Upon Government's Failure to Honor Grant of Informal Immunity in Light of Newly Discovered Evidence (Doc. #157).

The matters addressed in Defendant's motion for were fully litigated in the midst of trial during the evidentiary hearing conducted March 28, 2013, and indeed throughout the trial of the case. Having reviewed the newly produced telephone toll records submitted on behalf of Defendant Mark together with Defendant Mark's Declaration, the Court finds no sufficient grounds presented to warrant further evidentiary hearing or reconsideration of this Court's previous Order denying Defendant's motion to dismiss.

IT IS THEREFORE ORDERED that Defendant David Mark's Motion to Reconsider Denial of Motion to Dismiss Indictment Based Upon Government's Failure to Honor Grant of Informal Immunity in Light of Newly Discovered Evidence (Doc. #157) is **DENIED**.

DATED: May 29, 2013.



PHILIP M. PRO
United States District Judge